

REQUEST FOR APPROVAL

To: Cara Morgan
Branch Chief

From: JoAnn Jaschke
Integrated Waste Management Specialist

Request Date: October 16, 2010

Decision Subject: Household Hazardous Waste Element And Non-disposal Facility Element
And Conditional Approval Of The Source Reduction And Recycling
Element, For The Incorporated City Of Oakley, Contra Costa County

Action By: November 16, 2010

Summary of Request:

Newly incorporated cities or cities that separated from a regional agency are required to comply with the planning and implementation requirements of Assembly Bill 939 (AB939) as are cities that were already incorporated when the bill became effective in 1989. Public Resources Code (PRC) Section 41791.5 (b) directs newly incorporated cities to submit within 18 months of incorporation a Source Reduction Recycling Element, Household Hazardous Waste Element, and Nondisposal Facility Element to CalRecycle for approval. This requirement extends to cities that separate from a regional agency. On February 1, 2010, the City of Oakley separated from the Contra Costa/Ironhouse/Oakley Regional Agency. CalRecycle action is required on the SRREs, HHWEs, and NDFEs of all jurisdictions within a County for the County to have a complete Countywide Integrated Waste Management Plan (CIWMP).

At its November 17, 1993, meeting, CalRecycle (formerly known as the California Integrated Waste Management Board) approved CIWMP Enforcement Part I: Plan Adequacy to address content adequacy requirements of an element and plan, regulatory and statutory requirements, the submittal process, the evaluation process by staff, the approval and disapproval process and proposed methods to correct deficiencies. Staff used this policy guidance during the review of the SRRE, HHWE and NDFE submitted by the City to determine the documents' adequacy. Staff found that the HHWE and NDFE are adequate. However, the SRRE does not meet the Solid Waste Generation Study criteria. The City is currently not able to quantify the amount of solid waste disposed in 2010, and CalRecycle is unable to determine the City's 50% equivalent per capita disposal target until 2010 disposal data is available. When a jurisdiction leaves a regional agency, (PRC) Section 41780.05(6) allows the Department to modify the method of calculating the jurisdiction's new 50% equivalent disposal target. In this case the City's 2010 disposal information is necessary to fully evaluate the adequacy of the diversion programs identified in the SRRE. California Code of Regulations Title 14, Section 18785 provides that CalRecycle may identify any deficiencies that must be corrected and conditionally approve the SRRE. Therefore, as a condition of this approval, the City must provide recalculated disposal

amounts by waste types using 2010 disposal data. The purpose of this Request for Approval is to consider the adequacy of the City's SRRE, HHWE, and NDFE.

Recommendation:

Staff has determined that the SRRE, HHWE and NDFE are adequate and substantially meet the requirements except that the SRRE does not meet the Solid Waste Generation Study criteria and recommends approval of the City's HHWE and NDFE, and conditional approval of its SRRE.

Branch Chief Action:

On the basis of the information and analysis in this Request for Action and the findings set out above, I hereby approve the City's HHWE and NDFE, and conditionally approve its SRRE.

Dated: 11/16/10

Cara Morgan
Cara Morgan, Branch Chief
Local Assistance and Market Development

Background Information, Analysis, and Findings:

Background

Newly incorporated cities or cities that separated from a regional agency are required to comply with the planning and implementation requirements of Assembly Bill 939 (AB939) as are cities that were already incorporated when the bill became effective in 1989. Public Resources Code (PRC) Section 41791.5 (b) directs newly incorporated cities to submit within 18 months of incorporation a SRRE, HHWE, and NDFE to the Department for approval. This requirement extends to cities that separate from a regional agency

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Basis for staff's analysis

Staff's analysis is based upon the information below.

City's geographic location: This urban City is located in Contra Costa County. Surrounding cities include Antioch and Brentwood and Unincorporated Contra Costa County. The City is approximately 14 square miles.

SRRE

The City planned and has implemented several source reduction, recycling, and composting programs to meet the mandated goals (and has plans for implementing more in the future) as noted in the attached SRRE (see Attachment #1 table 2).

Solid Waste Generation Study (SWGS):

To fulfill the requirements under the Solid Waste Generation Study criteria, the City used projected disposal tonnages and the 2008 Statewide Waste Characterization Study, the latest information available to the City at the time of the document preparation. However, CalRecycle is unable to set the City's 50% equivalent per capita disposal target based upon the estimates provided in the SRRE. Once the City submits recalculated disposal amounts by waste types using 2010 disposal data, CalRecycle will establish the City's 50% equivalent per capita disposal target, determine if the SRRE adequately meets the Solid Waste Generation Study criteria, and will fully evaluate the adequacy of the diversion programs identified in the SRRE.

This SRRE adequately addresses the requirements of 14 CCR Chapter 9, Article 6.2, as outlined in CIWMP Enforcement Part I: Plan Adequacy, for the following areas:

SRRE ADEQUACY	Yes	No
All required documentation submitted	X	
CalRecycle draft comments adequately addressed	X	
LTF comments addressed	X	
Meets SRRE criteria (in CIWMP Enforcement Part I: Plan Adequacy)	X	
Meets SWGS criteria (in CIWMP Enforcement Part I: Plan Adequacy)		X
Notice of Determination Filed	X	
Public Notice Requirement	X	
Council Resolution	X	

Areas of Concern

According to the SRRE, after a disaster, the City will contract with the Franchised Hauler or other available contractors to collect, sort, and recycle as much as practicable the disaster debris generated. Staff recommends that the City develop a more comprehensive plan for handling disaster debris. The City should consult with the existing Emergency Response Plan team in the City and/or County to see what is the procedure to handle disaster debris. If solid waste is not addressed in the plan, the City should work with the planner to include solid waste management. The City could also work with its hauler to identify the procedure and agreement to collect, sort, recycle and/or dispose of debris if an emergency does arise.

Staff will continue working with the City to provide assistance and to help them develop a more comprehensive plan for handling disaster debris if a disaster were to arise.

HHWE

The City has elected to either establish or participate in the following household hazardous waste programs:

Program Name/Type	Existing	Planned
Material Exchange Program	X	X
Residential Curbside	X	
Residential Drop-off	X	
Mobile or Periodic Collection	X	
Electronic Waste	X	X
Other HHW(Universal Waste)	X	X
Public Education	X	
Print (Newsletter)	X	
School Education		X
Product and Landfill Bans	X	
Permanent Facility	X	

The City's HHWE adequately addresses the requirements of 14 CCR Chapter 9, Article 6.3, as outlined in CIWMP Enforcement Part I: Plan Adequacy, for the following areas:

HHWE Adequacy	Yes	No	HHWE Adequacy	Yes	No
Goals and Objectives	X		Program Implementation	X	
Existing Conditions	X		Monitoring and Evaluation	X	
Alternatives Evaluation	X		Education and Public Information	X	
Program Selection	X		Funding	X	
Public Notice	X		LTF Comments	X	
Council Resolution	X		Notice of Determination	X	

NDFE

The City does not have or plan to site non-disposal facilities within the City limits.

The City uses several non-disposal facilities located outside the City, including:

- Mt. Diablo Recycling Center located at 1300 Loveridge Road, Pittsburg, CA 94565
- Recycling Center and Transfer Station located at 1300 Loveridge Road, Pittsburg, CA 94565

- CCW Wood Chipping / Grinding located at 1300 Loveridge Road, Pittsburg, CA 94565
- Zamora Composting located at 11220 County Road, 94, Zamora, CA 95698

The City's NDFE adequately addresses the requirements of 14 CCR Chapter 9, Article 6.4 as outlined in CIWMP Enforcement Part I: Plan Adequacy, for the following areas:

NDFE Adequacy	Yes	No	N/A*
Facility descriptions - within a jurisdiction			X
Facility descriptions - outside a jurisdiction	X		
Transfer Station descriptions - within a jurisdiction			X
Transfer Station descriptions - outside a jurisdiction	X		
Public Notice	X		
LTF Comment	X		
Council Resolution	X		
Notice of Determination	X		

* N/A means there are no such facilities used by the City so the City's NDFE does not address that facility category.

Findings

The final HHWE and NDFE submitted by the City adequately address the requirements of 14 CCR Chapter 9, Articles 6.3, 6.4, and 7, the final SRRE submitted by the City does not fully address the requirements of 14 CCR Chapter 9, Articles 6.2; and staff therefore recommends approval of the City's HHWE and NDFE and conditional approval of its SRRE.

